

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

The specification has been amended to correct minor grammatical and typographical errors. No new matter has been added. The Abstract has been amended to be within the 150-word limit as imposed by the M.P.E.P.

Claim 8 is currently being canceled.

No claims are currently being amended.

Claim 23 is currently being added.

This amendment adds and cancels claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-7 and 9-23 are now pending in this application.

In the Office Action, claims 1-4, 6, 9-12, 14-18 and 20 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Gregg et al. (U.S. Patent Publication 2002/0002688A1); and claims 5, 7-8, 13, 19 and 21-22 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Gregg et al. in view of Saylor et al. (U.S. Patent No. 6,707,889). These rejections are traversed for at least the reasons given below.

In its rejection of claim 1, the Office Action asserts that paragraphs 0074 – 0078 of Gregg et al. describe an authentication process for contents data request that comprises a validity process of the session manager to make sure the request is a new session or an existing one and active or not, based on the data in the

subscription access database, whereby the Office Action further asserts that this can be interpreted as a history log information.

While this may well be history log information, it is not the same information as the access history information recited in claim 1. In particular, claim 1 recites that the access history information includes the time of the first access and a predetermined effective period (e.g., two weeks), whereby the access history information for a user is updated each time an access is made by the user to the contents service.

Gregg et al. does not disclose or suggest any of the above features of claim 1. There is no disclosure in Gregg et al. as to a predetermined effective period (starting from when the first access was made) in which a user is allowed to access contents from a contents server. In Gregg et al., as described in paragraphs 0075 and 0076, a session manager 52 checks its list of active sessions, and sends an authenticate login message to a subscription access clearinghouse, whereby the clearinghouse then notifies the session manager 52 as to which of those active sessions are authenticated. Nowhere is there a discussion as to a predetermined effective period in this portion of Gregg et al.

Still further, as recited in claim 1, the access history information storing means is part of the claimed gateway, as seen for example in Figure 6 of the drawings (see element 47). In Gregg et al., a clearinghouse database that is accessed by an authentication server is clearly not part of an access server 34, as seen in Figures 3 and 4 of Gregg et al.

Therefore, for at least these reasons, claim 1 is not obvious over Gregg et al.

Independent claim 2 also recites a predetermined effective period, and thus this claim is also not obvious over Gregg et al.

Independent claim 9 is directed to a portable terminal, and it also recites that a contents data receiving means receives contents data acquired when the user request is within a predetermined effective time period that starts from the time of

the first access. As discussed above, Gregg et al. does not disclose or suggest this feature, and hence claim 9 is not obvious over Gregg et al.

Independent claim 10 is also directed to a portable terminal, and it recites a first use request transmitting means and a second use request transmitting means, whereby the second use request transmitting means recites "a predetermined effective period that starts from the time of the first access", which is a feature missing from the disclosure of Gregg et al. Hence, claim 10 is not obvious over Gregg et al.

Independent claim 11 is directed to a gateway, and it recites an access history information storing means for storing access history information including the time of the first access and a predetermined effective period (e.g., two weeks), whereby this information is stored each time an access is made to the contents service. As explained above, Gregg et al. does not disclose or suggest any concerning a predetermined effective period, whereby Gregg et al. does not provide any information with regards to the type of information stored in his clearinghouse. Accordingly, claim 11 is not obvious over Gregg et al.

Independent claim 12 is also directed to a gateway, and it recites features discussed above with respect to claim 11. Thus, claim 12 is not obvious over Gregg et al.

Independent claim 14 is directed to a contents server, and it recites a contents data acquisition request receiving means for receiving an acquisition request to the contents service when the acquisition request is within a predetermined effective period that starts at the time of the first access to the contents service. As discussed above, Gregg et al. does not disclose or suggest anything concerning these features. Accordingly, claim 14 is not obvious over Gregg et al.

Independent claim 15 is also directed to a contents server, and it also recites features discussed above with respect to claim 14. Therefore, claim 15 is not obvious over Gregg et al.

Independent claim 16 is directed to an access rights managing system, whereby this claim recites a gateway that transmits a contents data acquisition request for each access based on access history information including the time of the first access and a predetermined effective period when the use request is within the effective period. As discussed above, such features are not disclosed or suggested by Gregg et al., and thus claim 16 is not obvious over Gregg et al.

Independent claim 17 is also directed to an access rights managing system, and it recites features similar to those discussed above with respect to claim 16. Therefore, claim 17 is not obvious over Gregg et al.

The dependent claims are patentable due to their respective dependencies on one of the independent claims discussed above, as well as for the specific features recited in those claims. Also, please note that Saylor et al. does not rectify the above-mentioned shortcomings in Gregg et al.

For example, claim 4 recites a "continuation notice" feature that is not disclosed or suggested by Gregg et al. In claim 4, a gateway transmits a predetermined access right continuation notice to a portable terminal when an access validity determining means determines that the use request is not within the effective period. The portable terminal receives the access right continuation notice, and accepts an instruction information (input by the user of the portable terminal) as to whether or not to continue to hold the access right based on the same notice, whereby this information is transmitted to the gateway.

By the invention according to claim 4, a fairly simple temporary access "continuation" process is achieved, whereby a user can stay with his/her temporary access to contents until his/her finalized access (e.g., via the mail) is received by the user. Paragraphs 0097 – 0099 of Gregg et al. do not disclose or suggest the

above-mentioned features of claim 4. Rather, in Gregg et al., authentication of all active sessions is performed, and if an active session is not validated, the user's access is denied. In the Reauthentication process shown in Figure 20 of Gregg et al., if a user is not authenticated, he/she is denied permission to contents. If the user is authenticated, then it is determined whether his/her session exceeds a preset time limit, and if so, the user's machine is polled for another access key, whereby a session renewal is maintained if the user's machine sends the other access key to the session manager. Thus, unlike claim 4 in which the user accepts the instruction information on whether to continue to hold the access right based on a same notice, in Gregg et al., the user's machine must provide another access key to the session manager in order to maintain a session. Also, note that Gregg et al.'s renewal scheme is directed to a single session that lasts for a long time (e.g., a few hours), whereby the continuation scheme of the present invention is directed to a new access by the user that is initiated after the predetermined time period (e.g., two weeks after the first access) has elapsed.

Therefore, dependent claim 4 is patentable for these additional reasons.

New claim 23 has been added to recite additional features of the present invention that are not disclosed or suggested by the cited art of record. As recited in claim 23, a portable terminal displays a continuation message to the user of the portable terminal, whereby the user then must enter in an instruction as to whether or not to accept a continuation of temporary rights to a contents server. In Gregg et al., a session manager of a server searches for an active key of a portable terminal, to determine whether or not a current long-lasting session of the portable terminal is to be maintained. A user does not type in any instructions or perform any such operations in this system of Gregg et al.

Thus, claim 23 is patentable for these reasons.

Accordingly, Applicant believes that the present application is now in condition for allowance, and an early indication of allowance is respectfully

requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Lastly, as a procedural matter, the Examiner is requested to consider the references cited in an Information Disclosure Statement (IDS) filed on June 25, 2001, by returning an initialed copy of the PTO Form-1449 submitted with that IDS.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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